

*TOR VERGATA
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*GLOBAL
GOVERNANCE BA*

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The European Commission's Functions and Practice. An insight into collegial decision-making

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Hertie school

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 - Functions
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The EU political institutions



• European Council

Special European Council, 6 March 2025

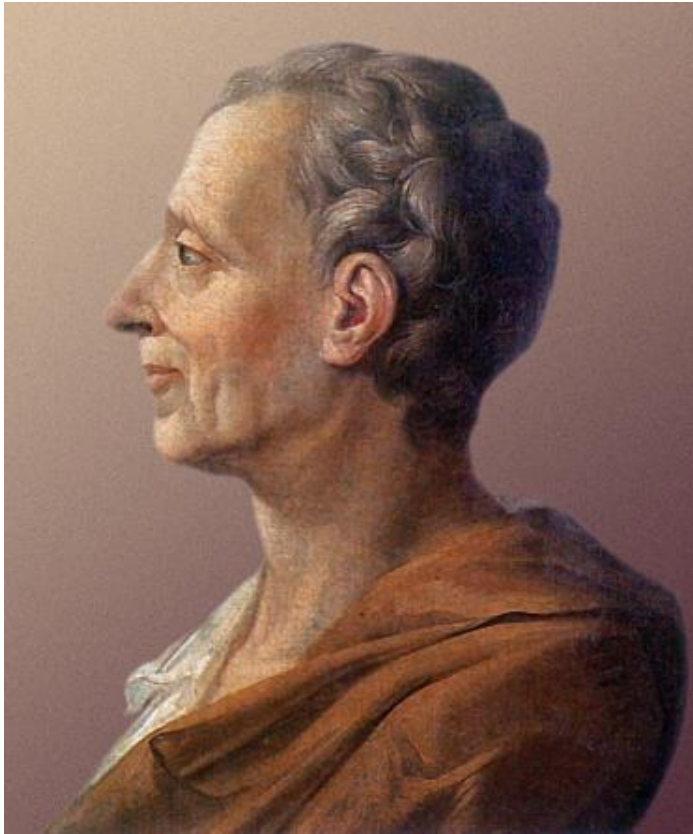
Agenda highlights

EU leaders are meeting for a special summit to discuss continued support for **Ukraine** and **European defence**.

“ We are living a defining moment for Ukraine and European security.
— European Council President António Costa, 23 February 2025

The President of Ukraine, **Volodymyr Zelenskyy**, is invited to the meeting.

Separation of powers

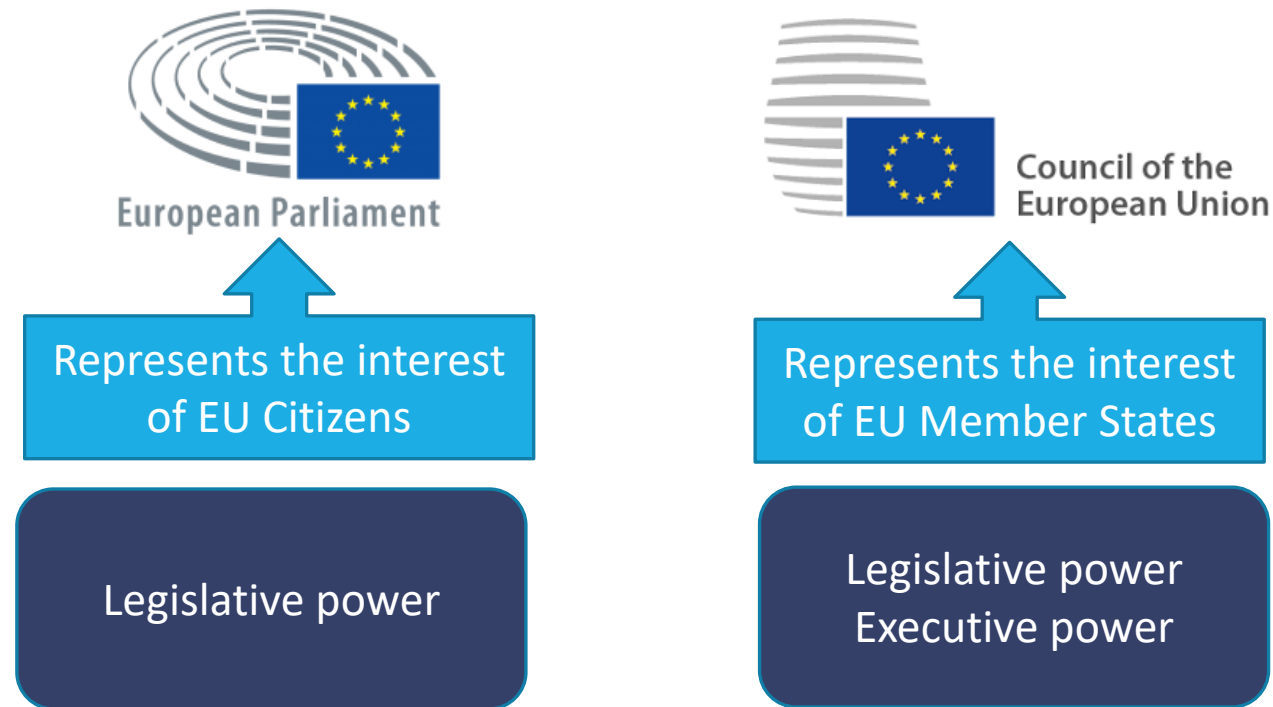


- Traditional separation of powers according to Montesquieu:
 1. Legislative
 2. Executive
 3. Judiciary
- Judicial power must be separated as the judge cannot be the legislator and should the judge be the executive it could lead to tyrannical rule.
- The EU: not complete separation of powers: judicial power separated – Court of Justice

Baron Charles de Montesquieu

“There is as yet no liberty if the power of judging be not separated from legislative power and the executive power.”

The EU political institutions



What does the Commission do?



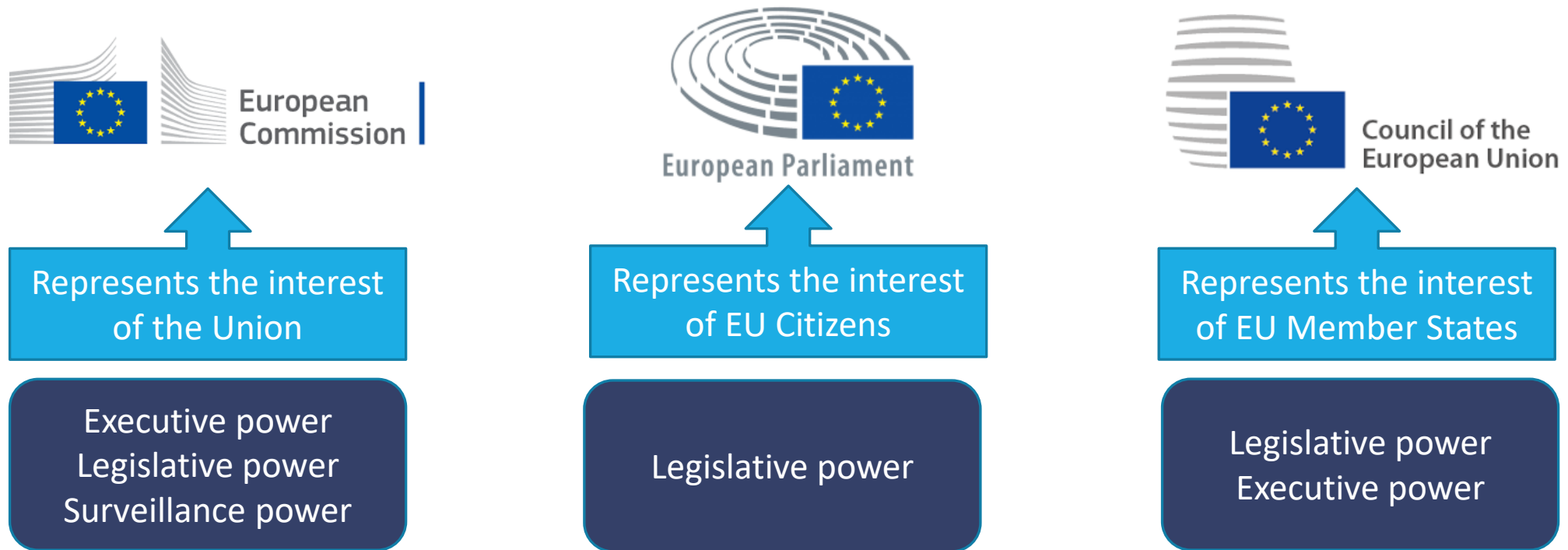
Represents the interest of
the Union

Surveillance power

Legislative power

Executive power

Separation of powers?





What is collegiality?

Working
together

colleagues

Good
decisions

Equality

compromise

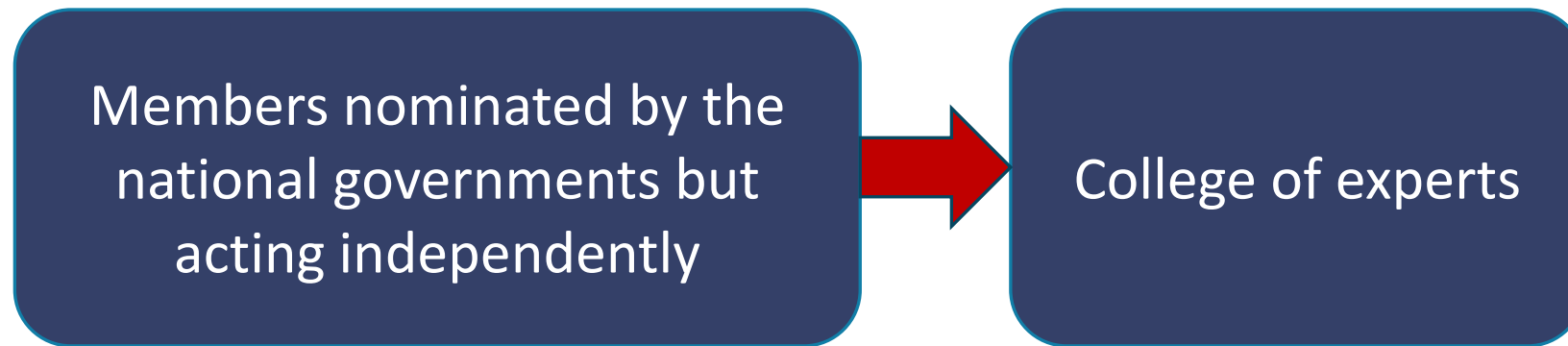
deliberation

All on board

legitimacy

Historical origins

- Treaty of Paris 1952: High Authority of the European Coal and Steel Community
- Treaty of Rome 1958: Commission of the European Communities
- Supranational organization different from other international organizations - Who should manage it?



➤ *Today however the Commission has greater competences often of political nature*

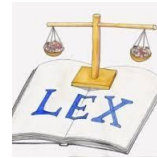
The principle of collegiality



The College of Commissioners acts as a single body with a single will



All acts are adopted by the college as a whole



Principle of primary law
Art. 17.6 TFEU
and CJEU jurisprudence



Principle of unity & coherence of decision-making

The collegial practice

1. Internal organization
2. Appointment procedure
3. Functional diversification

The collegial
practice

1. Internal organization

Number of Commissioners

Composition

Presidential leadership

Composition

- Number of members equal to the number of MSs (including President and High Representative)
 - Decision European Council ex art. 17(5) TEU (“Irish compromise”)
- Commissioners are not representatives of the Member States
- General competence, European commitment, independence

The President of the Commission

Art. 17.6 TEU: The President of the Commission

- Sets the overall policy agenda of the Commission, chairs the meetings and is a member of the European Council
- Determines the portfolios of commissioners (in consultation with each commissioner and the government who proposed his name)
- Can ask a commissioner to resign if he/she prove to be corrupt or incompetent

Collegiality vs Presidentialism

Principle of collegiality

- All Commissioners are equal: 1 Commissioner = 1 vote
- Collective responsibility
- Majority voting
- Confidentiality
- Nobody knows who voted for what



Presidentialism

Art. 17. 6. TEU The Commission President:

- Define general guidelines
- Appoints the VPs
- Can force members to resign
- Attribute and reshuffle portfolios
- Decides on the Commission's internal organization



High Representative of the Union for Foreign Affairs and Security Policy

Double-role

➤ Vice President of the Commission

➤ Chair of the Foreign Affairs Council

- **Art. 18 TEU:**
 - appointed by the European Council (QMV) with the agreement of the Commission's President
- **Art. 27 TEU:**
 - contributes to the development of the common foreign and security policy and ensures implementation of the decisions adopted by the European Council and the Council.
 - represents the Union for matters relating to the common foreign and security policy.
 - assisted by a European External Action Service (composed of officials of Commission, Council and MS)

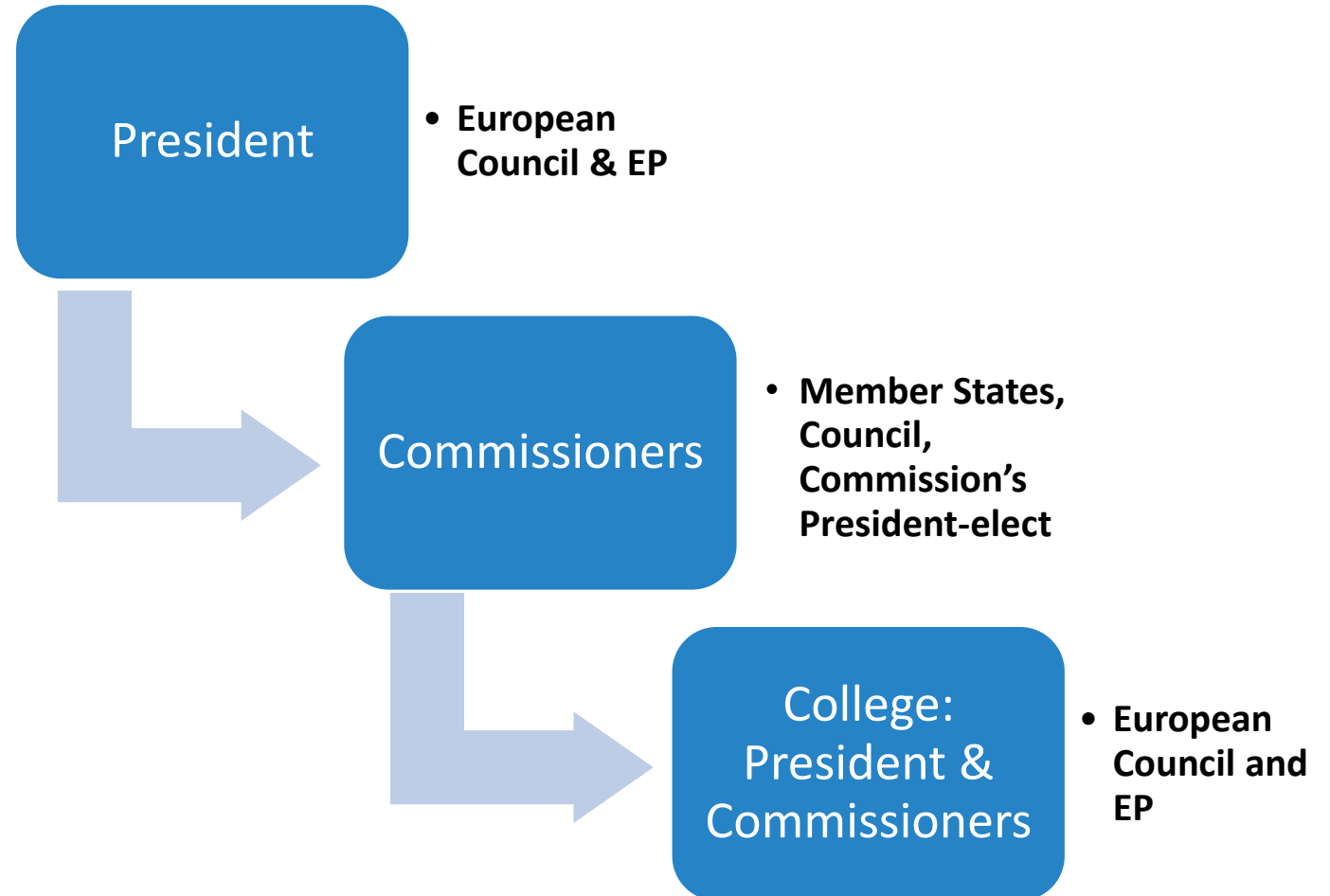


The collegial
practice

2. The appointment
procedure

2. Appointment Procedure

- 5-year mandate – in line with the EP mandate
- **2-step appointment procedure: first the President, then the Commissioners**



Phase 1: The President

Taking into account the elections to the EP and after having held the appropriate consultations, the European Council, by a qualified majority, proposes a candidate

This candidate shall be elected by the European Parliament

If the candidate does not get a majority in the EP, the European Council brings forward a new candidate

Lead Candidates

- Extensive interpretation of Art. 17.7 TUE: **lead candidates designated by European political parties as candidates for the Presidency of the Commission**
- Election campaign
- Increase democratic legitimacy of the Commission
- Increase turnout
- Contested practice: interinstitutional conflict between European Parliament and European Council

But does it work?



The practice

2014

- **Jean Claude Juncker - PPE**
- Schultz - S&D
- Verhofstadt - ALDE



2019

- **Manfred Weber – PPE ⇒ Von der Leyen**
- Timmermans - S&D
- Verhofstadt/Bonino/ Vestager – Renew Europe



2024

- **Von der Leyen – PPE**
- Schmit – S&D
- Gozi & Strack-Zimmermann – Renew Europe

Phase 2: The Commissioners

- The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission
- The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament.
- On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

The practice: the Hearings

- Hearings are not in the Treaties – informal practice
- Exception to collegiality – individual responsibility
- To test competence and integrity of candidates

In the last election:

- All candidates confirmed
- Choice based more on political considerations than on the actual performance of candidates
- Negotiations among all political groupings
- One Commissioner of the ECR: Fitto



Censure – Art. 17.8 TEU & 234 TFEU

Art. 17. 8 TEU:

The Commission, as a body, shall be responsible to the European Parliament. In accordance with Article 234 of the Treaty on the Functioning of the European Union, the European Parliament may vote on a motion of censure of the Commission. If such a motion is carried, **the members of the Commission shall resign as a body** and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from the duties that he carries out in the Commission.

Art. 234 TFEU:

... If the motion of censure is carried by **a two-thirds majority of the votes cast, representing a majority of the component Members of the European Parliament, the members of the Commission shall resign as a body** and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from duties that he or she carries out in the Commission. They shall remain in office and continue to deal with current business until they are replaced in accordance with Article 17 of the Treaty on European Union....

The collegial
practice

3. The functions of the Commission

Main Tasks

**Legislative
initiative**

**Implementing &
Delegated Acts**

**Budget initiative
and execution**


**"Guardian of the
Treaties"**

Agenda setting

International actor



[†]Pending formal nomination. National proceedings ongoing

A wooden figure is positioned at the bottom center of the frame. Above its head is a large, dark grey speech bubble with a white outline. Inside the speech bubble is a large white question mark. The text 'Is collegial decision-making possible?' is written in white inside the speech bubble. A thin yellow horizontal line is located below the text.

Is collegial
decision-
making
possible?

Thank you

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